

SMITH & DOWNEY

A PROFESSIONAL ASSOCIATION
320 E. TOWSONTOWN BLVD
SUITE 1 EAST
BALTIMORE, MARYLAND 21286
(410) 321-9000
FAX: (410) 321-6270
<http://www.smithdowney.com>

Baltimore
New York
Charleston
Cincinnati
Palm Beach Gardens

KERSTIN M. MILLER
Direct Number: (410) 321-5864
E-mail: kmiller@smithdowney.com

September 6, 2024

VIA ECF

Hon. Dale E. Ho
United States District Court for
the Southern District of New
York 40 Foley Square
New York, NY 10007

Re: Barrett v. The Arena Group Holdings, Inc., et al.
Civil No. 1:24-cv-00673-DEH
Joint Status Report and Third Letter-Motion to Stay Proceedings

Dear Judge Ho:

Pursuant to Your Honor's Individual Practices Rule 2(e), Plaintiff Henry Robertson Barrett ("Barrett"), Defendant The Arena Group Holdings, Inc. ("Arena Group"), and Defendant Manoj Bhargava ("Bhargava") (collectively, the "Parties"), submit the following Third Joint Letter-Motion to Stay Proceedings in the above-captioned Action (the "Action"). **All Parties have joined and consent to this Third Joint Letter-Motion.**

In support of this Third Joint Letter-Motion, the Parties state as follows:

1. On August 6, 2024, the Parties filed a Second Joint Letter-Motion, ECF No. 61, to Stay Proceedings to engage in good-faith settlement discussions.

2. On August 7, 2024, the Court ordered that the deadlines in the above-referenced case were stayed until such time as the Court otherwise orders. Additionally, the Court ordered that the Parties shall file this joint status report no later than September 6, 2024.

3. Since August 6, 2024, the Parties have engaged in good-faith settlement discussions and continue to make progress towards achieving a resolution. The Parties desire to continue to work towards settlement, and now believe that the assistance of a mediator will provide the best chance of resolution. The parties are actively collaborating on the selection of a mediator as well as a date for the mediation to take place. We anticipate needing no less than four to six weeks to complete mediation.

4. The Parties request an additional stay of litigation to allow time for the Parties to engage in mediation, thus avoiding incurring additional fees and costs during the course of

Hon. Dale E. Ho
Joint Status Report
September 6, 2024
Page 2

litigation. The Parties believe that this stay of litigation would provide the best chance of settlement, allow Parties the time to schedule and prepare for a meaningful mediation, conserve the maximum amount of funds available for a potential settlement, and allow the Parties to continue to focus their time and efforts on settlement. The Parties believe that this continued stay of litigation is in all Parties' best interests and would also conserve the Court's resources.

5. The Parties jointly request this stay of all case deadlines including, but not limited to, the discovery-related deadlines and Bhargava's answer or motion to dismiss, pending the completion of the Parties' settlement negotiations.

6. The Parties propose providing a status update to the Court regarding the status of settlement negotiations no later than November 8, 2024.

7. This is the Parties' third Joint Letter-Motion to Stay Proceedings.

8. The Parties represent that there is good cause shown, and this request is not made for the purpose of delay.

For the foregoing reasons, the Parties respectfully request that this Court grant their Third Joint Letter-Motion to Stay Proceedings and request that the case be stayed to allow the Parties to fully explore the possibility of an early resolution of this matter.

Date: September 6, 2024

Respectfully submitted,

/s/ Kerstin Miller

Kerstin M. Miller, Esq. (*Admitted Pro Hac Vice*)
Adam M. Meehan, Esq. (*Admitted Pro Hac Vice*)
Counsel for Defendant The Arena Group Holdings, Inc.

/s/ Eric J. Pelton

Eric J. Pelton, Esq. (*Admitted Pro Hac Vice*)
Counsel for Defendant Manoj Bhargava

/s/ Joshua A. Hawks-Ladds

Joshua A. Hawks-Ladds, Esq. (JH3306)
Counsel for Plaintiff H. Robertson Barrett

cc: All Counsel of Record via ECF electronic filing